IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

RP.No. 1031 of 2006(D)

AGAINST THE JUDGEMENT/ORDER IN WPC.26495/2006 Dated 18/10/2006

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REVIEW PETITIONERS/REPSONDENTS IN THE W.P.

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1. THE ASSISTANT EXCISE COMMISSIONER,
   KASARAGOD.

2. CIRCLE INSPECTOR OF POLICE,
   ADOOR, KASARAGOD.

BY GOVERNMENT PLEADER SRI PUZHAKKAKARA MUHAMMED.

RESPONDENTS: PETITIONER IN THE W.P.

P.RAJESH KUMAR,
S/O.PONNUMANI, MUNDEKOTTUKALATHIL HOUSE,
CHANDRA NAGAR P.O., PALAKKAD.

BY ADV. SRI.T.V.JAYAKUMAR NAMBOOTHIRI
SRI.K.S.MADHUSOODANAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

Review Pet. NO. 1031 of 2006
in
WPC 26495/2006

Dated 7th day of December, 2006

ORDER

The review petitioners who are the respondents/State officials have sought for an order directing to release the vehicle involved on executing bond for Rs.1,50,000/- with two solvent sureties and on condition that the vehicle shall be produced as an when directed. It is submitted that the then Government Pleader at that time conceded that the vehicle can be released as above without instructions and hence the matter is sought to be reviewed considering Sub Rule 2(a) of Rule 4 of the Kerala Abkari (Disposal of Confiscated Articles) Rules 1996. I find that the order is liable to be reviewed as it is seen that the quantity seized is 525 litres of spirit which was not revealed at the time of disposal of the writ petition.

2. In the circumstances, the order in W.P.C.26495/2006 stands reviewed. The interim custody of the vehicle is to be given on furnishing bank guarantee to the amount of valuation of the vehicle as per the above rules. It is submitted that the

valuation is over and the value has been has been fixed at Rs.1,65,000/-. Hence, it is ordered that the vehicle shall be released to the petitioner on furnishing bank guarantee to the above amount.

The R.P. is disposed of as above.

K.R.UDAYABHANU,JUDGE.

kvm/-